

Video Programming Accessibility  
TO: WFXB - FOX 43

FEB 28 2011

## REQUEST FOR WAIVER

FCC Mail Room.

The Christian Church of Myrtle Beach, pursuant to Section 79.1(f)(1) of the Commission's rules and section 713(d)(3) of the Communications Act of 1934, as amended (the "Act") / hereby requests a waiver of Section 79.1(b) of the Commission's rules requiring video programming distributors to provide closed captioning of their video programming.

The Christian Church of Myrtle Beach offers a television ministry to several local broadcast stations and cable companies for the spiritual benefit of the community. The ministry is supported by donations from members and cannot afford the weekly cost of closed captioning. Volunteer editors and production people, some of whom are members of the church, have only a few hours during the week to devote to the television ministry.

Section 79.1(f)(1) of the Commission's rules and Section 713(d)(3) of the Act provide that exemptions from the captioning rules may be granted upon a finding that the closed captioning requirements will result in an "undue burden." Section 79.1(f)(2) of the Rules and Section 713(e) of the Act define undue burden as "significant difficulty or expense." In the case of HSC, it would suffer both significant difficulty and extreme expense under the burdens of the closed captioning rules.

Section 79.1(f)(2) of the Commission's Rules and section 713(e) of the Act establish four factors to be considered in an undue burden analysis:

- (i) the nature and cost of the closed captions for the programming;
- (ii) the impact on the operation of the provider or program owner;
- (iii) the financial resources of the provider or program owner; and
- (iv) the type of operations of the provider or program owner.

Under Section 79.1(f)(2)(i): Closed captioning services are not available locally, requiring the produced video programming to be sent to an outside service for encoding. The cost of the service is unknown.

Under Section 79.1(f)(2)(ii): Once post production is complete each week, additional time would be required to apply closed captioning, delaying the transmission of the church service to the public.

Under Section 79.1(f)(2)(iii): The church television ministry relies solely on donations from the members of the church, which varies from week to week.

Under Section 79.1(f)(2)(iv): The church utilizes donated equipment and software to provide the television ministry.

In view of the foregoing, The Christian Church of Myrtle Beach respectfully requests that a waiver of the closed captioning requirements for it's church services and programming be granted.

Sincerely,



Joel Wilson  
Senior Minister  
The Christian Church of Myrtle Beach